

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

WILLIAM AMOR, )  
)  
*Plaintiff,* )  
)  
v. )  
)  
NAPERVILLE POLICE OFFICERs )  
MICHAEL CROSS, ROBERT )  
GUERRIERI, THE ESTATE OF MARK )  
CARLSON, BRIAN CUNNINGHAM, )  
JON RIPSKY, OTHER IDENTIFIED )  
NAPERVILLE POLICE OFFICERS, )  
DAVID FERRERI, THE CITY OF )  
NAPERVILLE, JOHN REID & )  
ASSOCIATES, INC., MICHAEL )  
MASOKAS, THE ESTATE OF )  
ARTHUR T. NEWEY, AND )  
UNKNOWN EMPLOYEES OF JOHN )  
REID & ASSOCIATES, )  
)  
*Defendants.* )

Case No. 18-CV-2523  
Hon. John Z. Lee

**FIRST AMENDED COMPLAINT**

Plaintiff WILLIAM E. AMOR, by and through his attorneys, Loevy & Loevy, complains of Defendants, NAPERVILLE POLICE OFFICERS MICHAEL CROSS, ROBERT GUERRIERI, THE ESTATE OF MARK CARLSON, BRIAN CUNNINGHAM, JON RIPSKY, OTHER UNIDENTIFIED NAPERVILLE POLICE OFFICERS, DAVID FERRERI, THE CITY OF NAPERVILLE, JOHN REID & ASSOCIATES, INC., MICHAEL MASOKAS, THE ESTATE OF ARTHUR T. NEWEY, AND UNKNOWN EMPLOYEES OF JOHN REID & ASSOCIATES, and alleges as follows:

## Introduction

1. In September 1995, and continuing thereafter, the above-named Defendants entered into and executed a conspiracy to cause Plaintiff's unlawful arrest and subsequent prosecution for a murder and aggravated arson that he did not commit. The centerpiece of the conspiracy was Plaintiff's purported "confession," a statement which the Defendants coerced from Plaintiff through physical force, mental coercion, lies and improperly suggestive interrogation techniques. Additionally, Defendants falsely told Plaintiff that he flunked a polygraph examination. Defendants likewise fabricated evidence from other witnesses to bolster charges they knew to be otherwise without probable cause. As a direct and proximate result of Defendants' egregious misconduct, Plaintiff was convicted and sentenced to 45 years imprisonment. He served more than 20 years of wrongful incarceration. This lawsuit seeks redress for the extreme hardship and incalculable harm Defendants thereby caused Plaintiff to suffer.

## Jurisdiction

2. This action is brought under 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution and under Illinois state law.

3. This Court has original jurisdiction of Plaintiff's federal claims pursuant to 28 U.S.C. § 1331, and supplemental jurisdiction of Plaintiff's state-law claims pursuant to 28 U.S.C. § 1367.

4. Venue is proper under 28 U.S.C. § 1391(b) as the events and omissions giving rise to Plaintiff's claims occurred within this judicial district.

### **The Parties**

5. Plaintiff William Amor ("Plaintiff") is a resident and citizen of the state of Illinois.

6. At all relevant times, Defendants Michael Cross ("Defendant Cross"), Robert Guerrieri ("Defendant Guerrieri"), The Estate of Mark Carlson ("Defendant Carlson"), Brian Cunningham ("Defendant Cunningham"), Jon Ripsky ("Defendant Ripsky") and other Unidentified Police Officers were duly appointment members of the Naperville Police Department.. At all relevant times, Defendant David Ferreri was a duly appointment member of the Naperville Fire Department tasked with the investigation of fires. Collectively, these Defendants are referred to herein as the "Defendant Officers." At all relevant times, the Defendant Officers were acting under color of state law and in the course and scope of their employment with the City of Naperville.

7. At all relevant times, Defendant Naperville ("the Defendant City") was an Illinois municipal corporation. Defendant City of Naperville is liable for the wrongful acts and omissions of the Defendant Officers taken in the course and scope of their employment pursuant to Defendant City of Naperville's statutory obligation to indemnify them.

8. Defendant John Reid & Associates, Inc. (hereinafter "Reid & Associates"), is a for-profit Illinois corporation with its principal place of business

at 209 W. Jackson Blvd., Suite 400, Chicago, IL 60606. At all times relevant to the events described in this Complaint, Reid & Associates participated in the investigation and interrogation of Plaintiff by Naperville Police Department. It did so pursuant to an agreement with the Defendant City to provide its officers with training, advice, and consultation in connection with the interrogation of individuals suspected of criminal activity. Many of those interrogations, including Plaintiff's, occurred at Reid & Associates' offices in Chicago. The Defendant City regularly delegated to Reid & Associates and its employees the responsibilities of interrogating, testing, and eliciting statements from persons suspected of criminal activity. Defendant John Reid & Associates is liable for all torts committed by its employees pursuant to the doctrine of *respondeat superior*.

9. Defendant Michael Masokas is the former Director of the Services Reid & Associates. At all times relevant to the events described in this Complaint, Defendant Masokas was an employee of Reid & Associates who directed, conducted, and participated in the police interrogation of Plaintiff and the investigation conducted by the Naperville Police Department. As such, Defendant Masokas was acting at all times under color of law and within the scope of his employment with Reid & Associates.

10. Defendant Estate of Arthur T. Newey (hereinafter "Defendant Newey") was a former polygraph examiner at John Reid & Associates. At all times relevant to the events described in this Complaint, Defendant Newey was an

employee of Defendant John Reid & Associates who directed, conducted, and participated in the police interrogation of Plaintiff and the investigation conducted by the Naperville Police Department. As such, Defendant Newey was acting at all times under color of law and within the scope of his employment with John Reid & Associates.

11. Defendant Unknown Employees of John Reid & Associates participated in the misconduct alleged in this Complaint. At all times relevant to the events described in this Complaint, these Unknown Employees of John Reid & Associates directed, conducted, and participated in the police interrogation of Plaintiff and the investigation conducted by the Naperville Police Department. As such, Defendant Unknown Employees of John Reid & Associates were acting at all times under color of law and within the scope of his employment with John Reid & Associates.

12. Each of the individual Defendants acted under color of law and within the scope of his or her employment. Each of the individual Defendants is sued his or her individual capacity unless otherwise noted.

### **Factual Background**

#### ***The Fire at 218 E. Bailey in Naperville***

13. On or about September 10, 1995, Plaintiff resided at 218 E. Bailey in Naperville with his wife, Tina Amor (Ms. Amor”) and his mother -in -law, Marianne Miceli (“Ms. Miceli”).

14. Ms. Miceli called 911 and reported that there was a fire in the apartment.

15. The Naperville Fire Department (“NFD”) arrived and began rescue efforts. Tragically, they were unable to save Ms. Miceli, who died as a result of smoke inhalation.

16. Plaintiff and his wife were not home at the time of the 911 call but returned home at 11:00 p.m., at which time they were informed of Ms. Miceli’s death.

17. Defendants Cross and Guerrieri treated Plaintiff as a suspect and began questioning him at or around that time.

18. As the questioning continued into the early morning of September 11, 1995, Plaintiff repeatedly denied setting the fire.

19. On September 15, 1995, Plaintiff was arrested for outstanding warrants on unrelated traffic offenses in DeKalb County.

20. After that arrest, Defendant Cross once again questioned Plaintiff about the fire.

21. Next, Plaintiff was transported to the DeKalb County Jail without appearing before a judge.

22. Plaintiff was held until October 3, 1995. Upon his release from the DeKalb County Jail, Defendants Cross and Guerrieri accosted Plaintiff outside the jail and took him, in a locked police car, to take multiple polygraph exams at Defendant John Reid & Associates’ Office.

23. Plaintiff undertook several rounds of polygraph testing at Defendant Reid & Associates, which was administered by Defendant Masokas, Defendant Newey, and Defendant Unknown Employees of John Reid & Associates.

24. After undergoing hours of polygraph testing and having spent seven hours with Defendants following his release from DeKalb County Jail, Defendants continued to question Plaintiff.

25. Plaintiff was next transported at 11:30 p.m. to the Naperville Police Department (“NPD”) for further interrogation.

26. After his arrival at the NPD, during more interrogation, Defendants caused Plaintiff to be served with divorce papers from his wife, Ms. Amor.

27. At all times prior to his arrival at the NPD at or around 11:30 p.m. on October 3, 1995, Plaintiff had unequivocally denied setting the fire.

28. After many more hours of interrogation, in the early morning hours of October 4, 1995, Defendants took written statements purporting to reflect that Plaintiff admitted involvement in setting the fire.

29. Specifically, the statements suggested that Plaintiff intentionally started the fire by knocking a lit cigarette onto a newspaper which he had previously spilled vodka on.

30. The aforementioned statements were fabricated as a result of physical abuse – including but not limited to Defendant Cunningham slamming Plaintiff against the wall – and verbal intimidation by Defendants upon Plaintiff combined with prolonged deprivation of food and sleep by Defendants as well as

emotional impairment from the manner in which Defendants interrogated Plaintiff and caused Plaintiff to be served with the divorce papers.

31. All of the above-named Defendant Officers took part in the above investigation and interrogations under the supervision of Defendants Ripsky and Cross.

***The Defendant Officers Target Plaintiff***

32. The Defendant Officers determined at the time they became involved in the investigation that they would accuse Plaintiff of intentionally setting the fire.

33. Despite the lack of any credible information suggesting that Plaintiff was involved in setting the fire, the Defendant Officers targeted him.

34. Defendant Officers entered into a conspiracy to falsely implicate Plaintiff by any means necessary.

***The Defendant Officers Fabricate Evidence against Plaintiff***

35. As set forth above, Plaintiff was interrogated by the Defendant Officers at various times.

36. Over a period of weeks, Plaintiff denied he had set the fire.

37. All of the Defendant Officers were aware that each of them were threatening and abusing Plaintiff in attempt to extract inculpatory statements from him.



38. The Defendant Officers knew that Plaintiff's "confession" was fabricated, and that Plaintiff only gave the statements as the result of the physical and mental coercion to which they subjected him.

39. The Defendant Officers subsequently memorialized the false statements they attributed to Plaintiff, which were used to support the charges against Plaintiff and deny him bond pending trial.

40. There was never probable cause to believe that Plaintiff intentionally set the fire or to support the arrest and/or prosecution of Plaintiff.

### ***Plaintiff's Charges, Trial, and Conviction***

41. Based on Plaintiff's "confession," Plaintiff was charged with first-degree murder and aggravated arson.

42. Plaintiff's "confession" was used by the State and relied on by the trial court in denying Plaintiff bond.

43. At Plaintiff's trial, the key evidence connecting Plaintiff to the offense was the fabricated statements and confession attributed to Plaintiff by the Defendant Officers.

44. On September 17, 1997, following a trial, Plaintiff was convicted of both aggravated arson and first-degree murder.

### ***Confession Shown to be "Scientifically Impossible" At Evidentiary Hearing***

45. On January 29, 2015, Plaintiff was granted leave to file a Petition For Post-Conviction Relief based upon his assertion that he was actually innocent of the crimes for which he had been convicted.

46. Plaintiff's claims advanced to a third-stage evidentiary hearing in DuPage County.

47. After that hearing, on April 6, 2017, the Circuit Court of DuPage County vacated Plaintiff's convictions, explaining "There can be no question that the lynchpin of the State's case at trial was the defendant's confession, which the State and Defense experts today agree is scientifically impossible."

48. On May 30, 2017, Amor was released pending a retrial.

49. On February 21, 2018, Plaintiff was acquitted after a bench trial.

### ***Plaintiff's Damages***

50. As a result of the Defendants' misconduct, Plaintiff spent over twenty (20) years incarcerated for a crime he did not commit. Plaintiff endured the stigma of having perpetrated the brutal aggravated arson and murder of his mother-in-law in which he had no involvement. Even more so, Plaintiff suffered incalculable mental anguish and emotional pain stemming from his lengthy incarceration. He missed spending hundreds of holidays, birthdays, and social gatherings with family and friends. Plaintiff was locked up in an environment where any day he could have been beaten, sexually assaulted, or even murdered. Plaintiff languished in his prison cell, not knowing if he would spend the remainder of his life behind prison walls.

51. Plaintiff's damages include, but are not limited to, emotional distress, mental anguish, humiliation, loss of liberty, loss of freedom of movement, loss of enjoyment of life, loss of consortium, and other non-pecuniary losses.

### **Causes of Action**

#### **COUNT I**

##### **42 U.S.C. § 1983 – 14th Amendment Due Process**

52. Each foregoing paragraph of this Complaint is incorporated as if fully set forth herein.

53. As described more fully above, all of the Defendants, while acting individually, jointly, and in conspiracy, as well as under color of law and within the scope of their employment, deprived Plaintiff of his constitutional right to due process by deliberately fabricating statements, reports, and other evidence.

54. The Defendants' misconduct described herein was objectively unreasonable and was undertaken with deliberate indifference to Plaintiff's constitutional rights.

55. The Defendants' misconduct described herein shocks the conscience.

56. As a direct and proximate result of the misconduct described herein, Plaintiff was charged with aggravated arson and first-degree murder.

57. As a further direct and proximate result of the misconduct described herein, Plaintiff was denied bond and detained in the county jail prior to trial.

58. As a further direct and proximate result of the misconduct described herein, Plaintiff suffered injuries, including but not limited to loss of liberty, emotional distress, and mental anguish as more fully described above.

## COUNT II

### **42 U.S.C. § 1983 – 5th and 14th Amendment Due Process Coerced Confession**

59. Each foregoing paragraph of this Complaint is incorporated as if fully set forth herein.

60. As described more fully above, all of the Defendants, while acting individually, jointly, and in conspiracy, deprived Plaintiff of his constitutional right to be free from compelled self-incrimination.

61. As described more fully above, the Defendants coerced Plaintiff through physical violence, emotional and mental abuse.

62. As a result of the misconduct described herein, the Defendants compelled Plaintiff and extracted a false confession from him.

63. The Defendants' misconduct described herein was objectively unreasonable and was undertaken with deliberate indifference to Plaintiff's constitutional rights.

64. The Defendants' misconduct described herein shocks the conscience.

65. As a direct and proximate result of the misconduct described herein, Plaintiff was charged with aggravated arson and first-degree murder.

66. As a further direct and proximate result of the misconduct described herein, Plaintiff was denied bond and detained in the county jail prior to trial.

67. As a further direct and proximate result of the misconduct described herein, Plaintiff was convicted of aggravated arson and first-degree murder.

68. As a further direct and proximate result of the misconduct described herein, Plaintiff suffered injuries, including but not limited to loss of liberty, emotional distress, and mental anguish as more fully described above.

### **COUNT III**

#### **42 U.S.C. § 1983 – Fourth and Fourteenth Amendments Unlawful Detention**

69. Each foregoing paragraph of this Complaint is incorporated as if fully set forth herein.

70. In the manner described more fully above, the Defendants, individually, jointly, and in conspiracy with one another, as well as under color of law and within the scope of their employment, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent, in violation of his rights secured by the Fourth and Fourteenth Amendments.

71. In doing so, these Defendants caused Plaintiff to be deprived of his liberty without probable cause and subjected improperly to judicial proceedings

for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

72. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, and with malice.

73. As a further direct and proximate result of the misconduct described herein, Plaintiff suffered injuries, including but not limited to loss of liberty, emotional distress, and mental anguish as more fully described above.

#### **COUNT IV**

##### **42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights**

1. Each foregoing paragraph of this Complaint is incorporated as if fully set forth herein.

2. As described more fully above, as a result of the fire, Defendants reached an agreement amongst themselves to frame Plaintiff for the crime and to thereby deprive Plaintiff of his constitutional rights as described in the Counts above.

3. As described more fully above, all of the Defendants had knowledge of and/or participated in the fabrication of evidence against Plaintiff.

4. As described more fully above, all of the Defendants were aware that Plaintiff's false confession was the product of physical and mental coercion.

5. In this manner, the Defendants conspired by concerted action to accomplish an unlawful purpose by an unlawful means.

6. In furtherance of the conspiracy, each of the co-conspirators committed overt acts and was an otherwise willful participant in joint activity.

7. The Defendants' misconduct described herein was objectively unreasonable and was undertaken with deliberate indifference to Plaintiff's constitutional rights.

8. The Defendants' misconduct described herein shocks the conscience.

9. As a direct and proximate result of the misconduct described herein, Plaintiff was charged with aggravated arson and first-degree murder.

10. As a further direct and proximate result of the misconduct described herein, Plaintiff was denied bond and detained in the county jail prior to trial.

11. As a further direct and proximate result of the misconduct described herein, Plaintiff was convicted of aggravated arson and first-degree murder.

12. As a further direct and proximate result of the misconduct described herein, Plaintiff suffered injuries, including but not limited to loss of liberty, emotional distress, and mental anguish as more fully described above.

## **COUNT V**

### **42 U.S.C. § 1983 – Failure to Intervene**

13. Each foregoing paragraph of this Complaint is incorporated as if fully set forth herein.

14. As described more fully above, during the constitutional violations alleged herein, one or more of the Defendants stood by without intervening to prevent the misconduct.

15. The Defendants' misconduct described herein was objectively unreasonable and was undertaken with deliberate indifference to Plaintiff's constitutional rights.

16. As a direct and proximate result of the misconduct described herein, Plaintiff was charged with aggravated arson and first-degree murder.

17. As a further direct and proximate result of the misconduct described herein, Plaintiff was denied bond and detained in the county jail prior to trial.

18. As a further direct and proximate result of the misconduct described herein, Plaintiff was convicted of aggravated arson and first-degree murder.

19. As a further direct and proximate result of the misconduct described herein, Plaintiff suffered injuries, including but not limited to loss of liberty, emotional distress, and mental anguish as more fully described above.

## COUNT VI

### **42 U.S.C. § 1983 – Supervisory Liability (Against Defendants Ripsky and Cross)**

20. Each foregoing paragraph of this Complaint is incorporated as if fully set forth herein.

21. Defendants Ripsky and Cross supervised the other Defendant Officers in the investigation of the fire.

22. As described more fully above, Defendants Ripsky and Cross knew that the other Defendant Officers and Defendant Unidentified Officers fabricated evidence and coerced a false confession from Plaintiff.



23. Defendants Ripsky and Cross approved, assisted, condoned, and/or purposely ignored the Defendant Officers' and Unidentified Officers' unconstitutional conduct.

24. Defendants Ripsky and Cross's misconduct described herein was objectively unreasonable and was undertaken with deliberate indifference to Plaintiff's constitutional rights.

25. As a direct and proximate result of the misconduct described herein, Plaintiff was charged with aggravated arson and first-degree murder.

26. As a further direct and proximate result of the misconduct described herein, Plaintiff was denied bond and detained in the county jail prior to trial.

27. As a further direct and proximate result of the misconduct described herein, Plaintiff was convicted of aggravated arson and first-degree murder.

28. As a further direct and proximate result of the misconduct described herein, Plaintiff suffered injuries, including but not limited to loss of liberty, emotional distress, and mental anguish as more fully described above.

## **COUNT VII**

### **Illinois State Law – Malicious Prosecution**

29. Each foregoing paragraph of this Complaint is incorporated as if fully set forth herein.

30. As described more fully above, the Defendants knowingly and maliciously initiated and/or caused judicial proceedings to continue against Plaintiff without probable cause.

31. The prosecution terminated in Plaintiff's favor on February 21, 2018, when Plaintiff was acquitted.

32. As a further direct and proximate result of the misconduct described herein, Plaintiff suffered injuries, including but not limited to loss of liberty, emotional distress, and mental anguish as more fully described above.

### **COUNT VIII**

#### **Illinois State Law – Intentionally Infliction of Emotional Distress**

33. Each foregoing paragraph of this Complaint is incorporated as if fully set forth herein.

34. As described more fully above, the Defendants' misconduct was extreme and outrageous.

35. As described more fully above, the Defendants intended to cause, or were in reckless disregard of the probability that their misconduct would cause, severe emotional distress to Plaintiff.

36. As a direct and proximate result of the misconduct described herein, Plaintiff suffered injuries, including but not limited to severe emotional distress and mental anguish as more fully described above.

### **COUNT IX**

#### **Illinois State Law – Conspiracy**

37. Each foregoing paragraph of this Complaint is incorporated as if fully set forth herein.

38. As described more fully above, the Defendants together reached an understanding, engaged in a course of conduct, engaged in a joint action, and otherwise conspired among and between themselves to maliciously prosecute Plaintiff without probable cause and to intentionally inflict emotional distress.

39. As described more fully above, in furtherance of the conspiracy, the Defendants committed overt acts including the fabrication and unlawful coercion of Plaintiff's "confession," and the falsification of witness statements in police reports.

40. The conspiracy alleged herein was initiated on or about September 10, 1995 and continues to the present.

41. As a direct and proximate result of the misconduct described herein, Plaintiff suffered injuries, including but not limited to loss of liberty, emotional distress, and mental anguish as more fully described above

## **COUNT X**

### **Illinois State Law – Indemnification (Against the City of Naperville)**

42. Each foregoing paragraph of this Complaint is incorporated as if fully set forth herein.

43. Illinois law provides that public entities are directed to pay any tort judgement for compensatory damages for which employees are liable within the scope of their employment activities.

44. The Defendants were employees, members, and agents of the Naperville Police Department, the City of Naperville, and John Reid & Associates, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

45. Pursuant to 745 ILCS 10/9-102, Defendant City of Naperville is liable to pay all judgments and settlements entered against its respective employees for the claims set forth above.

## COUNT XI

### **Illinois State Law – *Respondeat Superior* (Against the City of Naperville and John Reid & Associates)**

46. Each foregoing paragraph of this Complaint is incorporated as if fully set forth herein.

47. Defendant City of Naperville and Defendant John Reid & Associates are liable for the state-law torts of its employees under the doctrine of *respondeat superior*.

### **Prayer for Relief**

WHEREFORE, Plaintiff, WILLIAM E. AMOR, respectfully requests that this Court enter judgment in his favor and against Defendants NAPERVILLE POLICE OFFICERS MICHAEL CROSS, ROBERT GUERRIERI, THE ESTATE OF MARK CARLSON, BRIAN CUNNINGHAM, JON RIPSKY, OTHER UNIDENTIFIED NAPERVILLE POLICE OFFICERS, DAVID FERRERI, THE CITY OF NAPERVILLE, JOHN REID & ASSOCIATES, INC., MICHAEL MASOKAS, THE

ESTATE OF ARTHUR T. NEWHEY, AND UNKNOWN EMPLOYEES OF JOHN REID & ASSOCIATES, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages against each of the individually-named Defendants in their individual capacities, as well as any other relief this Court deems just and appropriate.

**Jury Demand**

Plaintiff, WILLIAM E. AMOR, hereby demands a trial by jury pursuant to Federal Rules of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

**WILLIAM E. AMOR**

/s/ Mariah Garcia  
One of the Plaintiff's Attorneys

Jon Loevy  
Tara Thompson  
Mariah Garcia  
Loevy & Loevy  
311 N. Aberdeen  
Third Floor  
Chicago, Illinois 60607  
(312) 243-5900  
jon@loevy.com